

## ARCHITECTURAL EXAMINING BOARD[193B]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 272C.2(1) and 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to rescind Chapter 3, “Continuing Education,” Iowa Administrative Code, and to adopt a new Chapter 3 with the same title.

The rules in Chapter 3 describe professional licensees’ continuing education requirement as a condition of registration renewal. This amendment rescinds Chapter 3 and adopts a new Chapter 3 that will change the biennial renewal requirement to an annual requirement and will specify that the continuing education shall be in public protection subjects.

Any interested person may make written suggestions or comments on the proposed rules on or before July 1, 2014. Such written materials should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to [lori.schraderbachar@iowa.gov](mailto:lori.schraderbachar@iowa.gov). Persons who wish to convey their views orally should contact Lori SchraderBachar, Iowa Architectural Examining Board, at (515)725-9030 or at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa.

Also, there will be a public hearing on July 1, 2014, at 9 a.m. at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Architectural Examining Board and advise of specific needs.

The proposed rules are subject to waiver or variance pursuant to 193—Chapter 5.

The proposed rules were approved by the Board on May 13, 2014.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code sections 544A.10 and 272C.2.

The following amendment is proposed.

Rescind 193B—Chapter 3 and adopt the following new chapter in lieu thereof:

### CHAPTER 3 CONTINUING EDUCATION

**193B—3.1(544A,272C) Continuing education.** The following rules adopted by the architectural examining board are in compliance with Iowa Code chapter 544A and section 272C.2 requiring professional and occupational licensees to participate in a continuing education program as a condition of registration renewal.

**193B—3.2(544A,272C) Definitions.** The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“*Continuing education*” or “*CE*” means postlicensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.

“*Continuing education hour*” or “*CEH*” means one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect’s

knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity and if the prescribed time is not deemed unreasonable by the board, then such prescribed time shall be accepted for CEH purposes as the architect's time irrespective of actual time spent on the activity.

*"Distance learning"* means any education process based on the geographical separation of student and instructor. "Distance learning" includes computer-generated programs, webinars, and home-study/correspondence programs.

*"Health, safety, and welfare subjects"* means technical and professional subjects that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

1. Building systems: structural, mechanical, electrical, plumbing, communications, security, and fire protection.

2. Construction contract administration: contracts, bidding, and contract negotiations.

3. Construction documents: drawings, specifications, and delivery methods.

4. Design: urban planning, master planning, building design, site design, interiors, safety and security measures.

5. Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation.

6. Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, and insurance to protect owners and the public.

7. Materials and methods: construction systems, products, finishes, furnishings, and equipment.

8. Occupant comfort: air quality, lighting, acoustics, and ergonomics.

9. Predesign: land use analysis, programming, site selection, site and soils analysis, and surveying.

10. Preservation: historic, reuse, and adaptation.

*"Not engaged in active practice"* means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

*"Retired from active practice"* has the same meaning as "not engaged in active practice."

*"Structured educational activities"* means educational activities in which at least 75 percent of an activity's content and instructional time is to be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety, and welfare subjects and provided by qualified individuals or organizations, whether the courses of study or other activities are delivered by direct contact or distance learning methods.

### **193B—3.3(544A,272C) Basic requirements.**

**3.3(1)** To renew registration, an architect must, in addition to meeting all other requirements, complete a minimum of 12 CEHs each calendar year or be exempt from these continuing education requirements as provided in rule 193B—3.5(544A,272C). Failure to comply with these requirements may result in nonrenewal of the architect's registration.

**3.3(2)** All 12 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. Excess CEHs cannot be credited to a future calendar year.

**3.3(3)** An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs shall be maintained by the architect for two years after the period for which the form was submitted. If the board disallows any CEHs, the architect shall have 60 days from notice of such disallowance to either provide further evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

**3.3(4)** An architect who holds registration in Iowa for less than 12 months from the date of initial registration shall not be required to report CEHs at the first registration renewal.

**193B—3.4(544A,272C) Authorized structured educational activities.** The following list may be used by all registrants in determining the types of activities which may fulfill CE requirements if the activities are conducted as structured educational activities on health, safety, and welfare subjects:

1. Short courses or seminars sponsored by colleges or universities.
2. Technical presentations held in conjunction with conventions or at seminars sponsored by the American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council, National Council of Architecture Registration Boards (NCARB), or similar organizations devoted to architectural education.
3. Distance learning sponsored by the AIA, NCARB, or similar organizations.
4. College or university credit courses. Each semester hour shall equal 12 CEHs. A quarter hour shall equal 8 CEHs.

**193B—3.5(544A,272C) Exemptions.**

**3.5(1)** As provided in Iowa Code section 272C.2(4), a registered architect shall be deemed to have complied with the continuing education requirements set forth in this chapter if the architect attests in the required affidavit that for not less than ten months of the preceding one-year period of registration, the architect:

- a. Has served honorably on active duty in the military service; or
- b. Is a resident of another state or district having a continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein; or
- c. Is a government employee working as an architect and assigned to duty outside the United States.

**3.5(2)** Architects who so attest on their affidavits that they are retired from active practice or are not engaged in active practice may maintain their registrations in retired or inactive status without satisfying CE requirements. Such architects may, however, reenter practice only after satisfying the board of their proficiency. Proficiency may be established by any one of the following:

- a. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice up to a maximum of 48 CEHs.
- b. Retaking the architectural registration examination.
- c. Fulfilling alternative reentry requirements determined by the board which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

**3.5(3)** The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. See Iowa Administrative Code 193—Chapter 5.

**193B—3.6(544A,272C) Transition provisions.**

**3.6(1)** The CE provisions of this chapter shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

**3.6(2)** The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

- a. Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be

\$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 CEHs taken between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

*b.* Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

These rules are intended to implement Iowa Code section 272C.2.